

David A. Jacobs, OSB No. 94220

djacobs@luvaascobb.com

Luvaas Cobb

777 High Street, Suite 300

Eugene, Oregon 97401

Telephone: (541) 484-9292

Telefax: (541) 343-1206

Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

ZACHARY ECHLIN, MICHELLE
ECHLIN,

Plaintiffs,

vs.

ASSET SYSTEMS, INC.,

Defendant.

Case No. 3:14-cv-00505-HA

**ANSWER AND
AFFIRMATIVE DEFENSES**

FOR ITS ANSWER TO PLAINTIFFS' COMPLAINT, defendant admits, denies and alleges as follows:

1.

Defendant admits paragraph 1.

2.

For answer to paragraph 2, defendant admits that plaintiffs make claims pursuant to the FDCPA.

ANSWER AND AFFIRMATIVE DEFENSES - 1



777 High Street, Suite 300
Post Office Box 10747
Eugene, OR 97440-2747

Phone: 541-484-9292
Fax: 541-343-1206

3.

Defendant admits paragraph 3.

4.

For answer to paragraph 4, defendant admits that plaintiffs are natural persons and husband and wife. Defendant does not answer the remaining allegations of paragraph 4 as they call for legal conclusions. To the extent an answer is deemed required, they are denied.

5.

For answer to paragraph 5, defendant admits that it is an Oregon corporation. Defendant does not answer the remaining allegations of paragraph 5 as they call for legal conclusions. To the extent an answer is deemed required, they are denied.

6.

For answer to paragraph 6, defendant admits the plaintiff Zach Echlin incurred charges at Legacy Good Samaritan Hospital.

7.

For answer to paragraph 7, defendant admits that plaintiffs did not pay the bill to Legacy Good Samaritan Hospital or other medical providers before those accounts were assigned to defendant.

8.

Defendant admits paragraph 8.

9.

For answer to paragraph 9, defendant admits that it attempted to collect 12% on some of the accounts in default. Defendant does not answer the remaining allegations of paragraph 4 as they call for legal conclusions. To the extent an answer is deemed required, they are denied.

////

ANSWER AND AFFIRMATIVE DEFENSES - 2



777 High Street, Suite 300
Post Office Box 10747
Eugene, OR 97440-2747
Phone: 541-484-9292
Fax: 541-343-1206

10.

For answer to paragraph 10, defendant admits that it sought 12% interest on some of the accounts in default in a lawsuit and a letter.

11.

Defendant denies paragraph 11.

12.

No response is required to paragraph 12.

13.

Defendant responds to paragraph 13 as above.

14.

Defendant denies paragraphs 14 and 15.

15.

Except as admitted herein, defendant denies each and every other allegation, matter and thing contended in plaintiffs' complaint at the whole thereof.

* * * * *

FOR ITS FIRST AFFIRMATIVE DEFENSE, defendant alleges:

(Claim Preclusion)

16.

Plaintiff Zachary Echlin previously litigated a FDCPA claim arising out of the same debts at issue in this lawsuit. That claim was dismissed with prejudice. Plaintiff's FDCPA claims herein that were existing at the time of the previous litigation are precluded.

* * * * *

(Statute of Limitations)

17.

To the extent plaintiff's claims are based on conduct which occurred prior to March

27, 2013, such claims are barred by the statute of limitations.

WHEREFORE, defendant prays that plaintiffs' complaint be dismissed and that final judgment be entered in favor of defendant.

DATED this 13th day of June, 2014.

LUVAAS COBB
Attorneys for Defendant

By: /s/ David A. Jacobs
David A. Jacobs, OSB No. 94220
E-mail: djacobs@luvaascobb.com
Trial Attorney